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EXAMINER
DAZENSKI, MARC A

ART UNIT	PAPER NUMBER
4113	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/538,156	GUILLEN ET AL.
Office Action Summary	Examiner	Art Unit	
	MARC DAZENSKI	4113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☒ Claim(s) <u>8</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 June 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6-09-2005</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: in the second to

last line of page 4, the word "indicate" should read "indicative." In addition, in the

second line of page 5, the word "determining" should read "determined." Appropriate

correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pachet (US Patent Publication 2002/0078029), hereinafter referred to as Pachet, in

view of Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman,

further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt.

Regarding **claim 1**, Pachet discloses an information sequence extraction and

building apparatus e.g. for producing personalized music title sequences. In addition

Pachet discloses an apparatus adapted to automatically extract and store files each

corresponding to a music title and then to display a corresponding identifier, which

reads on the claimed, " A method for determining and displaying the status of a user

selectable parameter associated with a song stored in a digital audio player," as

disclosed in paragraphs [0062], [0067], and [0069]-[0070]; the method comprising:

      a category selection option, accessible by a corresponding user input (54), which

allows the user to select a main musical type, upon this type of selection option being

activated, the programme consists only of titles belonging to that selected type, which

reads on the claimed, "reading a playlist selected by the user; displaying one or more

entries included in the selected playlist on a display device associated with the multi-

track audio player," as disclosed in paragraph [0114] and exhibited in figures 6 and 7

(specifically the "your programs" and "track listing" options in figure 7). However,

Pachet fails to disclose, "reading a preference table from a mass storage device

associated with the digital audio player during a startup operation of the digital audio

player, the preference table including an entry for each selected song stored in the

mass storage device, each entry including a unique identifier associated with the

selected song and parameter data indicative of the status of the user selectable

parameter, and displaying the determined states of the selectable parameter with

associated selected playlist entries on the display device." However, the examiner

claims that it was well known to include reading a preference table from a mass storage

device associated with the digital audio player during a startup operation of the digital

audio player, the preference table including an entry for each selected song stored in

the mass storage device, each entry including a unique identifier associated with the

selected song and parameter data indicative of the status of the user selectable

parameter and displaying the determined states of the selectable parameter with

associated selected playlist entries on the display device, as taught by Goodman.

In a similar field of endeavor, Goodman discloses automatic hierarchical

categorizations of music by metadata. Further, Goodman discloses a file hierarchy

generated as an in-memory tree structure at system startup, which reads on the

claimed, "reading a preference table from a mass storage device associated with the

digital audio player during a startup operation of the digital audio player," as disclosed at

column 7, lines 30-32; the metadata for each track utilized to so that all tracks are

created with some set of attributes including TRACK ID "DWORD", as well as ARTIST,

ALBUM, and GENRE data, which reads on the claimed, "the preference table including

an entry for each selected song stored in the mass storage device, each entry including

a unique identifier associated with the selected song and parameter data indicative of

the status of the user selectable parameter," as disclosed at column 6, lines 38, 47-48,

and column 7, lines 1-24; and DETAILS screen 204 displaying the Track Title, Artist,

Album together with Audio Playback settings and Play Mode, which reads on the

claimed, "displaying the determined states of the selectable parameter with associated

selected playlist entries on the display device," as exhibited in item 204 of figure 13.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Pachet to include a file hierarchy generated

as an in-memory tree structure at system startup, the metadata for each track utilized to

so that all tracks are created with some set of attributes including TRACK ID "DWORD",

as well as ARTIST, ALBUM, and GENRE data, and DETAILS screen 204 displaying the

Track Title, Artist, Album together with Audio Playback settings and Play Mode, as

taught by Goodman, for the purpose of providing the user with a powerful and flexible

tool for organizing and categorizing songs on a digital audio player.

The combination of Pachet and Goodman fails to disclose, "determining one or

more unique identifiers associated with each entry included in the selected playlist;

comparing the determined unique identifiers with the unique identifiers included in the

preference table to determine states of the selectable parameter associated with the

entries in the selected playlist." However, the examiner claims that it was well known to

include determining one or more unique identifiers associated with each entry included

in the selected playlist; comparing the determined unique identifiers with the unique

identifiers included in the preference table to determine states of the selectable

parameter associated with the entries in the selected playlist, as taught by Platt.

In a similar field of endeavor, Platt discloses an auto playlist generator. Further,

Platt discloses user item (200) associated with a unique track identifier (220) and a

unique artist identifier (230), which reads on the claimed, "determining one or more

unique identifiers associated with each entry in the selected playlist," as disclosed at

column 6, lines 59-61; and after candidate items have been identified, candidate user

item descriptive metadata may then be compared to seed item descriptive metadata to

determine similarity between the seed item(s) and the candidate user items, which

reads on the claimed, " comparing the determined unique identifiers with the unique

identifiers included in the preference table to determine states of the selectable

parameter associated with the entries in the selected playlist," as disclosed at column 5,

line 65 through column 6, line 2 (wherein "candidate user item descriptive metadata"

reads on "determined unique identifiers," and "seed item descriptive metadata" reads on

"unique identifiers included in the preference table").

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination of Pachet and Goodman to

include user item (200) associated with a unique track identifier (220) and a unique

artist identifier (230), and after candidate items have been identified, candidate user

item descriptive metadata may then be compared to seed item descriptive metadata to

determine similarity between the seed item(s) and the candidate user items, as taught

by Platt, for the purpose of determining whether the playlist needs to be updated.

Regarding **claim 2**, the combination of Pachet, Goodman, and Platt ("the

combination") discloses everything claimed as applied above (see claim 1). In addition,

Pachet discloses the system using a "User Profile," containing a set of music titles the

user either likes or dislikes, which reads on the claimed, "wherein the parameter data

represents the status of at least 3 user selectable parameters, including whether the

entry is tagged to be included in a playlist, whether the song is liked, and whether the

song is disliked," as disclosed in paragraph [0127].

Regarding **claim 3**, the combination discloses everything claimed as applied

above (see claim 2). In addition, Pachet discloses the profile table may be thus updated

continuously, typically starting from an empty state, and updated each time the user

clicks on user-input (56) to indicate his or her taste, which reads on the claimed, "further

comprising the step of updating the preference table each time the user indicates

whether a selected song is to be tagged, indicated to be liked, or indicated to be disliked," as disclosed in paragraph [0128].

Regarding **claim 5**, the combination discloses everything claimed as applied above (see claim 1). In addition, Goodman discloses the metadata for each track utilized to so that all tracks are created with some set of attributes including TRACK ID "DWORD", as well as ARTIST, ALBUM, and GENRE data, which reads on the claimed, " wherein each preference table entry includes playlist identification data that includes path information for locating a selected song on the mass storage device," as disclosed at column 6, lines 38, 47-48, and column 7, lines 1-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pachet, Goodman, and Platt to include the metadata for each track utilized so that all tracks are created with some set of attributes including TRACK ID "DWORD", as well as ARTIST, ALBUM, and GENRE data, as taught by Goodman, for the purpose of providing the user with a powerful and flexible tool for organizing and categorizing songs on a digital audio player.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pachet (US Patent Publication 2002/0078029) hereinafter referred to as Pachet, in view of Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane.

Regarding **claim 4**, the combination of Pachet, Goodman, and Platt ("the

combination") discloses everything claimed as applied above (see claim 3). However,

the combination fails to disclose further comprising the step of storing the updated

preference table in the mass storage device during a shutdown operation of the digital

audio player. However, the examiner maintains that it was well known in the art to

provide the step of storing the updated preference table in the mass storage device

during a shutdown operation of the digital audio player, as taught Nakane.

In a similar field of endeavor, Nakane discloses a method of operation in a still

video camera system for transferring track information from a playback device to the still

video camera. Nakane further discloses when the power is turned off, the data of the

track information table thus updated is transferred to the system controller such that the

table of the controller is updated, which reads on the claimed, " further comprising the

step of storing the updated preference table in the mass storage device during a

shutdown operation of the digital audio player," as disclosed at column 13, lines 41-45.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination to include the data of the track

information table thus updated is transferred to the system controller such that the table

of the controller is updated, as taught by Nakane, for the purpose of preventing

accidental erasure of user-specified data by saving it to the memory during a shutdown

operation.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pachet

(US Patent Publication 2002/0078029) hereinafter referred to as Pachet, in view of

Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view of Levy (US Patent Publication 2002/0052885), hereinafter referred to as Levy.

Regarding **claim 6**, the combination of Pachet, Goodman, and Platt disclose everything claimed as applied above (see claim 1). However, the combination fails to disclose wherein each unique identifier included in the preference table is generated using a hash function. However, the examiner maintains that is was well known in the art to include each unique identifier included in the preference table is generated using a hash function, as taught by Levy.

In a similar field of endeavor, Levy discloses using embedded data with file sharing. Levy further discloses computing fingerprints from an audio signal stored in a file by hashing the data representing that signal into a unique identifier, which reads on the claimed, "wherein each unique identifier included in the preference table is generated using a hash function," as disclosed in paragraph [0125]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pachet, Goodman, and Platt to include computing fingerprints from an audio signal stored in a file by hashing the data representing that signal into a unique identifier, as taught by Levy, for the purpose of augmenting file searching and tracking in a system because files can be searched or tracked based on their fingerprint.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pachet (US Patent Publication 2002/0078029) hereinafter referred to as Pachet, in view of

Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, further in

view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view

of Hartley (US Patent Publication 2002/0103796), hereinafter referred to as Hartley.

Regarding **claim 7**, the combination of Pachet, Goodman, and Platt disclose

everything claimed as applied above (see claim 1). However, the combination fails to

disclose the step of generating a playlist sequence using parameter data indicating

whether a song is liked or whether a song is disliked, in response to user selection of a

shuffle playmode. However, the examiner maintains it was well known in the art to

include the step of generating a playlist sequence using parameter data indicating

whether a song is liked or whether a song is disliked, in response to user selection of a

shuffle playmode, as taught by Hartley.

In a similar field of endeavor, Hartley discloses a method for parametrically

sorting music files. Hartley further discloses providing a mixing factor by performing a

calculation based upon a user-selected parameter and a random number (generated by

a random number generator), performing this calculation for each file, which then sorts

the files according to the sorting criteria, resulting in a playlist of files, and then the

player performing a shuffle on only those files having a value for a particular user-

defined parameter, which reads on the claimed, "the step of generating a playlist

sequence using parameter data indicating whether a song is liked or whether a song is

disliked, in response to user selection of a shuffle playmode," as disclosed in

paragraphs [0023], and [0030] -- [0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pachet, Goodman, and Platt to include providing a mixing factor by performing a calculation based upon a user-selected parameter and a random number (generated by a random number generator), performing this calculation for each file, which then sorts the files according to the sorting criteria, resulting in a playlist of files, and then the player performing a shuffle on only those files having a value for a particular user-defined parameter, as taught by Hartley, for the purpose of allowing the user to eliminate from the shuffle mode certain files not meeting set criteria.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, in view of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane, further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt.

Regarding **claim 8**, Goodman discloses an automatic hierarchical categorization of music by metadata. Goodman further discloses the NOMAD Jukebox, which reads on the claimed, "A portable hand-held digital audio player," as exhibited in figure 9; the apparatus comprising:

a portable personal player that plays audio files stored in memory, which reads on the claimed, "a mass storage device," as disclosed at column 6, lines 17-18;

buttons (110), (112), and (114), the buttons allowing a user to traverse the organizational hierarchy to find individual tracks or find playlists composed of logical groups of tracks, which reads on the claimed, "user input device for allowing a user to

select a playlist for display and select a state of a user selectable parameter associated

with a song stored on the mass storage device," as disclosed at column 3, lines 4-7,

and exhibited in figure 9;

display screen (102), which reads on the claimed, "a display device," as

disclosed at column 8, line 17, and exhibited in figure 9, item 102;

onboard processor automatically files each track in the correct category utilizing

the associated metadata and the tree-define file, which reads on the claimed, "and a

controller coupled to the mass storage device, the user input device, and the display

device, the controller generating a preference table in response to user selection of the

state of the user selectable parameter," as disclosed at column 6, lines 9-12;

a file hierarchy generated as an in-memory tree structure at system startup,

which reads on the claimed, "reading the preference table from the mass storage device

during a startup operation of the digital audio player," as disclosed at column 7, lines 30-

32; the metadata for each track utilized to so that all tracks are created with some set of

attributes including TRACK ID "DWORD", as well as ARTIST, ALBUM, and GENRE

data, which reads on the claimed, "wherein the preference table includes an entry for

each selected song stored in the mass storage device, each entry including a unique

identifier associated with the selected song and parameter data indicate of the status of

the user selectable parameter," as disclosed at column 6, lines 38, 47-48, and column

7, lines 1-24; and DETAILS screen 204 displaying the Track Title, Artist, Album together

with Audio Playback settings and Play Mode, which reads on the claimed, "and causing

the display device to display one or more of the entries in the playlist with the status of

the user selectable parameter associated with the entries," as exhibited in item 204 of figure 13. Goodman, however, fails to disclose storing the preference table to the mass storage device during a shut down operation of the digital audio player. The examiner maintains, however, that it was well known in the art to include storing the preference table to the mass storage device during a shut down operation of the digital audio player, as taught by Nakane.

In a similar field of endeavor, Nakane discloses a method of operation in a still video camera system for transferring track information from a playback device to the still video camera. Nakane further discloses when the power is turned off, the data of the track information table thus updated is transferred to the system controller such that the table of the controller is updated, which reads on the claimed, "storing the preference table to the mass storage device during a shut down operation of the digital audio player," as disclosed at column 13, lines 41-45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Goodman to include the data of the track information table thus updated is transferred to the system controller such that the table of the controller is updated, as taught by Nakane, for the purpose of preventing accidental erasure of user-specified data by saving it to the memory during a shutdown operation.

The combination of Goodman and Nakane fails to disclose the controller determining one or more unique identifiers associated entries in a playlist in response to user selection of the playlist, comparing the determining one or more unique identifiers with the unique identifiers in the preference table, determining the status of the

selectable parameters in response to the comparison. However, the examiner
maintains that it was well known in the art to include the controller determining one or
more unique identifiers associated entries in a playlist in response to user selection of
the playlist, comparing the determining one or more unique identifiers with the unique
identifiers in the preference table, determining the status of the selectable parameters in
response to the comparison, as taught by Platt.

        In a similar field of endeavor, Platt discloses an auto playlist generator. Further,
Platt discloses user item (200) associated with a unique track identifier (220) and a
unique artist identifier (230), which reads on the claimed, "the controller determining one
or more unique identifiers associated entries in a playlist in response to user selection of
the playlist," as disclosed at column 6, lines 59-61; and after candidate items have been
identified, candidate user item descriptive metadata may then be compared to seed
item descriptive metadata to determine similarity between the seed item(s) and the
candidate user items, which reads on the claimed, "comparing the determining one or
more unique identifiers with the unique identifiers in the preference table, determining
the status of the selectable parameters in response to the comparison," as disclosed at
column 5, line 65 through column 6, line 2.

        Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the combination of Goodman and Nakane to
include user item (200) associated with a unique track identifier (220) and a unique
artist identifier (230), and after candidate items have been identified, candidate user
item descriptive metadata may then be compared to seed item descriptive metadata to

determine similarity between the seed item(s) and the candidate user items, as taught

by Platt, for the purpose of determining whether the playlist needs to be updated.

Regarding **claim 11**, the combination of Goodman, Nakane, and Platt disclose

everything claimed as applied above (see claim 10). Nakane also discloses a method

of operation in a still video camera system for transferring track information from a

playback device to the still video camera. Nakane further discloses when the power is

turned off, the data of the track information table thus updated is transferred to the

system controller such that the table of the controller is updated, which reads on the

claimed, " wherein the controller stores the updated preference table in the mass

storage device during a shutdown operation of the digital audio player," as disclosed at

column 13, lines 41-45.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include when the power is turned off, the data of the

track information table thus updated is transferred to the system controller such that the

table of the controller is updated, as taught by Nakane, for the purpose of preventing

accidental erasure of user-specified data by saving it to the memory during a shutdown

operation.

Claims 9-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, in view

of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane, further in

view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view

of Pachet (US Patent Publication 2002/0078029), hereinafter referred to as Pachet.

Regarding **claim 9**, the combination of Goodman, Nakane, and Platt disclose everything claimed as applied above (see claim 8). However, the combination fails to disclose wherein the parameter data represents the status of at least 3 user selectable parameters, including whether the entry is tagged to be included in a playlist, whether the song is liked, and whether the song is disliked. However, the examiner maintains that it was well known for the combination of Goodman, Nakane, and Platt to include wherein the parameter data represents the status of at least 3 user selectable parameters, including whether the entry is tagged to be included in a playlist, whether the song is liked, and whether the song is disliked, as taught by Pachet.

In a similar field of endeavor, Pachet discloses an information sequence extraction and building apparatus e.g. for producing personalized music title sequences. Pachet further discloses the system using a "User Profile," containing a set of music titles the user either likes or dislikes, which reads on the claimed, "wherein the parameter data represents the status of at least 3 user selectable parameters, including whether the entry is tagged to be included in a playlist, whether the song is liked, and whether the song is disliked," as disclosed in paragraph [0127].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Goodman, Nakane, and Platt to include the system using a "User Profile," containing a set of music titles the user either likes or dislikes, as taught by Pachet, for the purpose of progressively refining user-created playlists.

Regarding **claim 10**, the combination of Goodman, Nakane, and Platt disclose everything claimed as applied above (see claim 8). However, the combination fails to disclose wherein the controller updates the preference table each time the user indicates whether a selected song is to be tagged, indicated to be liked, or indicated to be disliked. However, the examiner maintains that it was well known for the combination of Goodman, Nakane, and Platt to include wherein the controller updates the preference table each time the user indicates whether a selected song is to be tagged, indicated to be liked, or indicated to be disliked, as taught by Pachet.

In a similar field of endeavor, Pachet discloses an information sequence extraction and building apparatus e.g. for producing personalized music title sequences. Pachet further discloses the profile table may be thus updated continuously, typically starting from an empty state, and updated each time the user clicks on user-input (56) to indicate his or her taste, which reads on the claimed, " wherein the controller updates the preference table each time the user indicates whether a selected song is to be tagged, indicated to be liked, or indicated to be disliked," as disclosed in paragraph [0128].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Goodman, Nakane, and Platt to include the profile table may be thus updated continuously, typically starting from an empty state, and updated each time the user clicks on user-input (56) to indicate his or her taste, as taught by Pachet, for the purpose of progressively refining user-created playlists.

Regarding **claim 12**, the combination of Goodman, Nakane, and Platt disclose everything claimed as applied above (see claim 8). In addition, Goodman discloses the metadata for each track utilized to so that all tracks are created with some set of attributes including TRACK ID "DWORD", as well as ARTIST, ALBUM, and GENRE data, which reads on the claimed, " wherein each preference table entry includes playlist identification data that includes path information for locating a selected song on the mass storage device," as disclosed at column 6, lines 38, 47-48, and column 7, lines 1-24.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, in view of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane, further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view of Levy (US Patent Publication 2002/0052885), hereinafter referred to as Levy.

Regarding **claim 13**, the combination of Goodman, Nakane, and Platt disclose everything claimed as applied above (see claim 8). However, the combination fails to disclose wherein each unique identifier included in the preference table is generated using a hash function. However, the examiner maintains that it was well known in the art to include wherein each unique identifier included in the preference table is generated using a hash function, as taught by Levy.

In a similar field of endeavor, Levy discloses using embedded data with file sharing. Levy further discloses computing fingerprints from an audio signal stored in a file by hashing the data representing that signal into a unique identifier, which reads on

the claimed, "wherein each unique identifier included in the preference table is generated using a hash function," as disclosed in paragraph [0125]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pachet, Goodman, and Platt to include computing fingerprints from an audio signal stored in a file by hashing the data representing that signal into a unique identifier, as taught by Levy, for the purpose of augmenting file searching and tracking in a system because files can be searched or tracked based on their fingerprint.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al (US Patent 6,928,433), hereinafter referred to as Goodman, in view of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane, further in view of Platt et al (US Patent 7,296,031), hereinafter referred to as Platt, further in view of Hartley (US Patent Publication 2002/0103796), hereinafter referred to as Hartley.

Regarding claim 14, the combination of Goodman, Nakane, and Platt disclose everything claimed as applied above (see claim 8). However, the combination fails to disclose wherein the controller generates a playlist sequence using parameter data indicating whether a song is liked or whether a song is disliked, in response to user selection of a shuffle playmode. However, the examiner maintains that it was well known in the art to include wherein the controller generates a playlist sequence using parameter data indicating whether a song is liked or whether a song is disliked, in response to user selection of a shuffle playmode, as taught by Hartley.

In a similar field of endeavor, Hartley discloses a method for parametrically sorting music files. Hartley further discloses providing a mixing factor by performing a calculation based upon a user-selected parameter and a random number (generated by a random number generator), performing this calculation for each file, which then sorts the files according to the sorting criteria, resulting in a playlist of files, and then the player performing a shuffle on only those files having a value for a particular user-defined parameter, which reads on the claimed, "include wherein the controller generates a playlist sequence using parameter data indicating whether a song is liked or whether a song is disliked, in response to user selection of a shuffle playmode," as disclosed in paragraphs [0023], and [0030] -- [0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Goodman, Nakane, and Platt to include providing a mixing factor by performing a calculation based upon a user-selected parameter and a random number (generated by a random number generator), performing this calculation for each file, which then sorts the files according to the sorting criteria, resulting in a playlist of files, and then the player performing a shuffle on only those files having a value for a particular user-defined parameter, as taught by Hartley, for the purpose of allowing the user to eliminate from the shuffle mode certain files not meeting set criteria.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on Monday - Friday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Harold can be reached on (571)272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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